



Michael Friscia

Partner

T. 973-848-8308

F. 973-297-6627

mfriscia@mccarter.com

McCarter & English, LLP

Four Gateway Center

100 Mulberry Street

Newark, NJ 07102-4056

www.mccarter.com

September 21, 2024

VIA ECF

Hon. Ronnie Abrams
 United States District Court Judge
 United States District Court for
 The Southern District of New York
 Thurgood Marshall
 United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: Rubie's II, LLC v. Xiao Ma, et. al.,
 Civil Action No. 24-cv-4079 (RA)

Dear Judge Abrams:

We represent Plaintiff Rubie's II, LLC ("Plaintiff") in the above-referenced matter. We write, pursuant to the Court's July 22, 2024 Order (Dkt. No. 12), to provide a status report in the above-referenced action.

Current Status

Plaintiff intends to file a First Amended Complaint on or before October 1, 2024, and then proceed with service through the Hague Convention. The amendments are required to add a new defendant recently identified and to include an address for Defendant Xiao Ma that was obtained from his counsel during the parties' ongoing settlement discussions. The parties are still engaged in settlement discussions, and Plaintiff is currently awaiting a response from counsel for Mr. Ma to Plaintiff's most recent settlement proposal. Plaintiff believes, however, that proceeding with service through the Hague Convention, while the parties continue to pursue an amicable resolution, is prudent given the time-consuming nature of that process.

We respectfully note, as pointed out in our prior correspondence to the Court, that the 90 day period to serve the Complaint and Summons under Rule 4(m) is not applicable to service on a defendant in a foreign country pursuant to Rule 4(f) of the Federal Rules of Civil Procedure. In light of this, Plaintiff will provide the Court with continuing status reports regarding the efforts to serve process through the Hague Convention and the parties' efforts to settle the

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matter. Plaintiff proposes that it provide a status report in two months, or at any other time that the Court deems necessary.

Respectfully,



Michael R. Friscia

cc: Yang Guo, Yuanda Winston